

JUDGE RAMOS

12 CIV 3365

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Amir Preisler,

Plaintiff,

Civil Action No.: _____

against

Fair Collections & Outsourcing, Inc.,

**COMPLAINT AND DEMAND
FOR TRIAL BY JURY**

Defendant(s).

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Plaintiff Amir Preisler ("Plaintiff" or "Preisler"), by and through his attorneys, FREDRICK SCHULMAN & ASSOCIATES, Attorneys at Law, as and for his Complaint against the Defendant Fair Collections & Outsourcing, Inc. ("Defendant" or "FCO"), respectfully sets forth, complains and alleges, upon information and belief, the following:

FILED
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S.D. OF N.Y.

INTRODUCTION/PRELIMINARY STATEMENT

1. Plaintiff brings this action for damages and declaratory and injunctive relief arising from the Defendant's violation(s) of Sec. 1692 et seq. of Title 15 of the United States Code, commonly referred to as the Fair Debt Collection Practices Act ("FDCPA").

PARTIES

2. Plaintiff is a resident of the State of New York, County of Rockland, residing at 20 Regina Road, Monsey, New York 10952.

3. Upon information and belief, Defendant is a Maryland corporation operating as a collection firm, with a principal place of business at 12304 Baltimore Avenue, Suite E, Beltsville, Maryland 20705 and is authorized to do business in the State of New York.

4. Defendant is a “debt collector” as the phrase is defined and used in the FDCPA.

JURISDICTION AND VENUE

5. The Court has jurisdiction over this matter pursuant to 28 U.S.C. Sec. 1331, as well as 15 U.S.C. Sec. 1692 et seq. and 28 U.S.C. Sec. 2201. If applicable, the Court also has pendent jurisdiction over the State law claims in this action pursuant to 28 U.S.C. Sec. 1367(a).

6. Venue is proper in this judicial district pursuant to 28 U.S.C. Sec. 1391(b)(2).

FACTUAL ALLEGATIONS

7. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered “1” through “6” herein with the same force and effect as if the same were set forth at length herein.

8. Upon information and belief, on a date better known to the Defendant, Defendant began collection activities on an alleged consumer debt from the Plaintiff (“Alleged Debt”).

9. On or about December 9, 2011 at approximately 8:30 pm, Defendant placed a telephone call to Plaintiff and left a message for Plaintiff on Plaintiff’s answering machine.

10. Said message contained personal and confidential information.

11. Said message was an attempt to collect the Alleged Debt, and was left on an answering machine which was played and heard by one or more third parties who each had the right and opportunity to play the same.

12. Said message was heard amongst others by Plaintiff's sister, Mirela Riven.
13. The actions of Defendant led to embarrassment, harassment, and disclosure of confidential information to a third party.
14. Said actions by the Defendant violated 15 U.S.C. Sec. 1692b(2) and 15 U.S.C. Sec. 1692c(b), which prohibits communicating to a third party and stating that a consumer owes any debt.
15. As a result of Defendant's deceptive, misleading and/or unfair debt collection practices, Plaintiff has been damaged.

FIRST CAUSE OF ACTION
(Violations of the FDCPA)

16. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "15" herein with the same force and effect as if the same were set forth at length herein.
17. Defendant's debt collection efforts attempted and/or directed towards the Plaintiff violate various provisions of the FDCPA, including but not limited to 15 U.S.C. Sec. 1692b(2) and 15 U.S.C. Sec. 1692c(b).
18. As a result of Defendant's violations of the FDCPA, Plaintiff has been damaged and is entitled to damages in accordance with the FDCPA.

DEMAND FOR TRIAL BY JURY

19. Plaintiff demands and hereby respectfully requests a trial by jury for all claims and issues this complaint to which plaintiff is or may be entitled to a jury trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Amir Preisler demands judgment against the Defendant Fair Collections & Outsourcing, Inc., as follows:

- A. For actual damages provided and pursuant to 15 U.S.C. Sec. 1692k(a)(1);
- B. For statutory damages provided and pursuant to 15 U.S.C. Sec.1692k(2)(A);
- C. For attorneys' fees and costs provided and pursuant to 15 U.S.C. Sec. 1692k(a)(3);
- D. A declaration that the Defendant's practices violated the FDCPA; and,
- E. For any such other and further relief, as well as further costs, expenses and disbursements of this action, as this Court may deem just and proper.

Dated: New York, New York
April 23, 2012

Respectfully submitted,

By: 

Samuel A. Ehrenfeld

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